

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DANNY RIVERA

Plaintiff,

vs.

9:10-CV-1500 (NAM/CFH)

C.O. P. DIANARDO

Defendant.

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APPEARANCES:

OF COUNSEL:

Danny Rivera  
10-A-2897  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13021  
Plaintiff Pro se

Hon. Eric T. Schneiderman  
Attorney General for the Assistant Attorney General  
State of New York  
The Capitol  
Albany, New York 12224-0341  
Attorney for Defendant

David L. Cochran, Esq.

**Norman A. Mordue, U.S. District Court Judge**

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Christian F. Hummel duly filed on the 16<sup>th</sup> day of April 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The defendants' motion for summary judgment (Dkt. No. 27) is granted, and this entire action is dismissed with prejudice.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: May 13, 2013  
Syracuse, New York

  
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Honorable Norman A. Mordue  
U.S. District Judge

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